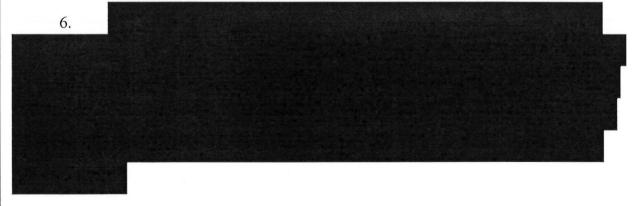
1 2 3 4 5 6 7 8	KAMALA D. HARRIS Attorney General of California MARK BRECKLER Chief Assistant Attorney General KATHLEEN FOOTE Senior Assistant Attorney General State Bar No. 65819 EMILIO E. VARANINI Deputy Attorney General State Bar No. 163952 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 Telephone: (415) 703-5908 Fax: (415) 703-5480 E-mail: Emilio.Varanini@doj.ca.gov				
9	Attorneys for State of California et al				
10	UNITED STATES DISTRICT COURT				
11	NORTHERN DISTRICT OF CALIFORNIA				
12	SAN FRANCISCO DIVISION				
13					
14					
15	IN RE: CATHODE RAY TUBE (CRT) ANTITRUST LITIGATION,	Master File No. 3:07-cv-05944-SC			
16		MDL No. 1917			
17	This Documents Relates To:	REDACTED VERSION OF DECLARATION OF EMILIO E.			
18	ALL ACTIONS	VARANINI IN SUPPORT OF THE ADMINISTRATIVE MOTION FOR			
19	,	ORDER ISSUING LETTER OF REQUEST FOR DEPOSITION OF			
20		LEO MINK			
21					
22	1. I am a Deputy Attorney General with the California Attorney General's Office and				
23	am lead counsel for the California Attorney General in the state court case of State of California				
24	et. al. v. Samsung SDI, Co., Ltd., Case No. 11-51584 (California Superior Court, San Francisco).				
25	This case has been coordinated with this Court's MDL No. 1917 for purposes of fact and expert				
26	discovery as well as mediation and settlement. I am admitted to this Court and could, if called as				
27	a witness, testify competently to the matters set forth herein. I make this declaration under				
28	penalty of perjury under the laws of the United States and the State of California.				
	1	•			

- 2. Besides this case, I have led other international price-fixing and unfair competition cases involving the State of California. I also have an extensive background on international antitrust and related issues involving the European Union and China.
- 3. Plaintiffs, including the Attorney General, the Direct Purchaser Plaintiffs, the Indirect Purchaser Plaintiffs, and the Direct Action Plaintiffs, all have alleged the existence of an international price-fixing conspiracy with multilateral and bilateral meetings taking place in Asia and Europe.
- 4. The European Union has, in its summary of findings regarding this global CRT price-fixing cartel, found that multi-lateral and bi-lateral meetings involving the fixing of prices occurred in Europe and Asia, with more organized meetings occurring from 1999-on. Those findings were based on cooperation furnished by some of the cartel participants, including Philips. A true and accurate copy of that summary of findings, dated December 5, 2012, is attached hereto to this Declaration as Exhibit 1.
- 5. Plaintiffs' allegations, as supported by the summary of findings of the European Union, necessitate deposing current and former European and Asian employees of the Defendants who may have knowledge of these meeting during the relevant time period of 1995 to 2007. Leo Mink was a sales manager for Philips in Europe from 1996 to 2001 regarding CRTs, and then was a sales manager for the successor joint venture, LG Philips Display ("LPD"), in Europe from 2001 to 2004 regarding CRTs. Though Leo Mink retired from LPD in 2004, he continued to serve LPD as a consultant until 2005.



7. Additional information provided by Defendants supports the taking of Leo Mink's deposition, as set forth in Samsung SDI's contention interrogatory responses and in documents

provided by Philips.			

- 8. Philips does not object to this motion or to the issuance of a subpoena through the proposed letter of request for the deposition of Leo Mink.
- 9. According to information provided by Philips, Leo Mink lives at ...

 It is required under the laws of the Netherlands that a letter of request issue out of, and under the seal of, this Court for a notice of deposition to be served on Leo Mink so that he may be deposed in the Netherlands. But under the laws of the Netherlands, Leo Mink is not obligated to appear, and if he refuses to appear, to take an oath, to give his word of honor or to give evidence, he would not incur any penalty or measure of any kind, either in the Netherlands or in the State where the proceedings are instituted.
- 10. Philips has informed us that Leo Mink requires the service of a notice of deposition in accordance with the laws of the Netherlands, i.e., by serving a letter of request as set out in the Hague Convention in accompanying the notice of deposition of Leo Mink. Philips has also informed us that Leo Mink is likely to cooperate with a notice of deposition if it is served in accordance with the laws of the Netherlands as set out in this paragraph subject to the caveat in the paragraph below.
- 11. Philips has also informed us that Leo Mink has concerns about potentially incriminating himself by testifying at a deposition. Based on those concerns, the Attorney General has offered use immunity to Leo Mink for any testimony he gives in the course of his deposition in response to her questions or questions asked by other Plaintiffs as she is empowered to do under California's antitrust laws, the Cartwright Act. *See* Cal. Bus. & Prof. Code §16758; *Daly v. Sup. Ct.*, 560 P.2d 1193 (Cal. 1977); *People v. Sup. Ct. (Kaufman)*, 525 P.2d 716 (Cal. 1971). It is anticipated that this offer not only will aid in Leo Mink's voluntarily testifying but also will aid in obtaining the consent of the Netherlands to this deposition.
- 12. The request made to this Court through the filing of a motion under Civil Local Rule 7.11 is an urgent one: the letter of request, if executed by this Court, must be promptly

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1	delivered to the relevant authorities in the Netherlands so that the deposition of Leo Mink may be				
2	taken as scheduled on March 31 and April 1, 2014.				
3	Dated: January 16, 2014	Respectfully submitted,			
4		KAMALA D. HARRIS			
5		Attorney General of California			
6		/s/ Emilio Varanini			
7		Emilio Varanini			
8		Deputy Attorney General Attorneys for the State of California et al.			
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